

# **City of Carmel Common Council ADD-ON'S For February 20, 2006**

**Ordinance D-1796-06: An Ordinance of the Common Council of the City of Carmel, Indiana, Repealing Ordinance D-1790-06; Sponsor: Councilor Sharp.**

**Ordinance D-1797-06: An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Sharp.**

Richard L. Sharp

1481 Stormy Ridge Ct.  
Carmel, IN 46032

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To: Diana Cordray

Cc: Jim Brainard, Kevin Kirby, Fred Glaser, Joe Griffiths, Mark Rattermann,  
Ron Carter, Brian Mayo, Lesley Rogers Barrett

From: Rick Sharp

Date: February 17, 2006

Re: Rationale for agenda add on item

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I am requesting that proposed Ordinances D-1796-06, D-1797-06 be added to the council agenda for our meeting of the 20<sup>th</sup>.

These items are very important to the safety and welfare of the citizens of the city. Holding these items until our next meeting will create an unnecessary delay and a potential hardship. I know your office has copies of these ordinances and I appreciate your assistance.

By copy of this memo I am notifying the Mayor, members of the Council and the press.

Please feel free to call with any questions.

**ORDINANCE D-1796-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
INDIANA, REPEALING ORDINANCE D-1790-06**

**WHEREAS**, the Common Council of the City of Carmel, Indiana has the authority to enact and repeal ordinances adopted by the Common Council; and,

**WHEREAS**, on February 6, 2006, the Council adopted Ordinance D-1790-06 entitled, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, ESTABLISHING SPEED LIMITS AND STOP INTERSECTIONS, AND DESIGNATING THROUGH HIGHWAYS, RELATIVE TO THE MONON GREENWAY; and

**WHEREAS**, certain language was omitted from Ordinance D-1790-06 which may create confusion for the citizens of Carmel;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that:

1. Ordinance D-1790-06 is hereby repealed and deleted in its entirety.

**PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

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Richard L. Sharp, President Pro Tempore

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Kevin Kirby

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Ronald E. Carter

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Brian D. Mayo

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Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

1 ATTEST:  
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5 \_\_\_\_\_  
6 Diana L. Cordray, IAMC, Clerk-Treasurer  
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9 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_\_ day of  
10 \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_.M.  
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14 \_\_\_\_\_  
15 Diana L. Cordray, IAMC, Clerk-Treasurer  
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17 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of  
18 \_\_\_\_\_, \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_.M.  
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23 James Brainard, Mayor  
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25 ATTEST:  
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29 \_\_\_\_\_  
30 Diana L. Cordray, IAMC, Clerk-Treasurer  
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40 Prepared by: Diana L. Cordray  
41 Clerk-Treasurer  
42 City of Carmel

**ORDINANCE D-1790-06**  
**AS AMENDED**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,**  
**ESTABLISHING SPEED LIMITS AND STOP INTERSECTIONS, AND DESIGNATING**  
**THROUGH HIGHWAYS, RELATIVE TO THE MONON GREENWAY**

**WHEREAS**, the City of Carmel, Indiana (“City”), pursuant to Indiana Code 36-10, has established a linear park within its jurisdiction commonly known as the Monon Greenway (“Monon Greenway”); and

**WHEREAS**, the Carmel-Clay Parks and Recreation Board, as established and as governed by Indiana Code 36-10-3 (“Park Board”), operates and maintains the Monon Greenway pursuant to that certain Management Agreement originally entered into by and between the City and the Parks Board on July 16, 2003, as subsequently amended; and

**WHEREAS**, the Monon Greenway runs along a former rail corridor extending from 96<sup>th</sup> Street to 146<sup>th</sup> Street in Hamilton County, Indiana; and

**WHEREAS**, the Monon Greenway constitutes a “highway” and a “street” as those terms are defined in Indiana Code 9-13-2-73; and

**WHEREAS**, the Monon Greenway is utilized by bicycles and other non-motorized “vehicles,” as that term is defined in Indiana Code 9-13-2-196, by certain authorized “motor vehicles,” as that term is defined in Indiana Code 9-13-2-105, and by pedestrians; and

**WHEREAS**, the Monon Greenway crosses several highways and streets on its route, each such intersection creating a heightened risk of danger to persons traveling on the Monon Greenway and those persons traveling on intersecting thoroughfares; and

**WHEREAS**, it is in the best interests of public safety and welfare to regulate traffic at Monon Greenway intersections by establishing stop intersections on the Monon Greenway at these intersections, pursuant to Indiana Code 9-21-1-3 and City Code Section 8-30; and

**WHEREAS**, pursuant to Indiana Code 9-21-1-3, the City may regulate the speed of vehicles upon its highways and streets, as well as require all vehicles to stop before entering or crossing designated “through highways” located within its jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 9-21-5-6(e), the City, upon the request of the Park Board, may establish the speed limit on the Monon Greenway as fifteen (15) miles per hour; and

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**WHEREAS**, the Park Board has requested that the City establish the speed limit for all vehicles traveling on the Monon Greenway at fifteen (15) miles per hour; and

**WHEREAS**, pursuant to Indiana Code 9-21-11-11 and 9-21-17-13, all persons using the Monon Greenway must obey the traffic control devices located thereon; and

**WHEREAS**, it is in the best interest of public safety and welfare to now declare the highways which cross the Monon Greenway as “through highways” and to require all vehicles and pedestrians on the Monon Greenway to stop before entering or crossing such “through highways,” and to establish a fifteen (15) miles per hour speed limit for all vehicles traveling on the Monon Greenway.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein and made a part hereof.

Section 2. The following thoroughfares located within the City’s jurisdiction are designated “through highways,” for purposes of Indiana Code 9-21-1-3, at and about their intersection with the Monon Greenway:

- |   |                                  |
|---|----------------------------------|
| a. West Smokey Row Road (West 136 <sup>th</sup> Street) | g. West Carmel Drive             |
| b. West Main Street (131 <sup>st</sup> Street)          | h. East 116 <sup>th</sup> Street |
| c. 1 <sup>st</sup> Street NW                            | i. Central Park Drive            |
| d. 1 <sup>st</sup> Street SW                            | j. East 111 <sup>th</sup> Street |
| e. 2 <sup>nd</sup> Street SW                            | k. East 96 <sup>th</sup> Street  |
| f. Gradle Drive   |                                  |

Section 3. Chapter 8, Article 9, Section 8-120 of the Carmel City Code, should be and is hereby amended to include the following locations:

<u>“Street Name</u>	<u>Direction of Traffic</u>	<u>Sign</u>	<u>Intersecting Street</u>
Monon Greenway	Northbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Southbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Northbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Southbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Northbound	Stop	2 <sup>nd</sup> Street SW
Monon Greenway	Southbound	Stop	2 <sup>nd</sup> Street SW

Monon Greenway	Northbound	Stop	East 116 <sup>th</sup> Street
Monon Greenway	Southbound	Stop	East 116 <sup>th</sup> Street
Monon Greenway	Northbound	Stop	Central Park Drive
Monon Greenway	Southbound	Stop	Central Park Drive
Monon Greenway	Northbound	Stop	East 111 <sup>th</sup> Street
Monon Greenway	Southbound	Stop	East 111 <sup>th</sup> Street
Monon Greenway	Northbound	Stop	Gradle Drive
Monon Greenway	Southbound	Stop	Gradle Drive
Monon Greenway	Northbound	Stop	West Carmel Drive
Monon Greenway	Southbound	Stop	West Carmel Drive
Monon Greenway	Northbound	Stop	East 96 <sup>th</sup> Street
Monon Greenway	Southbound	Stop	East 96 <sup>th</sup> Street"

Section 4. Chapter 8, Article 3, Section 8-28 of the Carmel City Code should be and the same is hereby added to the Carmel City Code and shall read as follows:

"Section 8-28. Fifteen Mile Per Hour Speed Limit Designations.

- a. No person may operate any "vehicle," as that term is defined in Indiana Code 9-13-2-196, as amended, in excess of twenty miles per hour (20 mph) along the length of the Monon Greenway, excepting:
  - (1) The Monon Greenway from its intersection with 111<sup>th</sup> Street to its intersection with 136<sup>th</sup> Street, where the speed limit shall be 15 mph.
  - (2) {Reserved}
- b. Any person who operates a vehicle in violation of this Section shall, upon conviction thereof, be fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each such violation."

Section 5. The Carmel Street Department, in cooperation with the Carmel/Clay Parks Department, is directed to promptly prepare and post appropriate signage and/or markings at Monon Greenway intersections and along the Monon Greenway so as to effectuate this Ordinance.

Section 5. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

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**ORDINANCE D-1797-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
ESTABLISHING SPEED LIMITS AND STOP INTERSECTIONS, AND DESIGNATING  
THROUGH HIGHWAYS, RELATIVE TO THE MONON GREENWAY**

**WHEREAS**, the City of Carmel, Indiana (“City”), pursuant to Indiana Code 36-10, has established a linear park within its jurisdiction commonly known as the Monon Greenway (“Monon Greenway”); and

**WHEREAS**, the Carmel-Clay Parks and Recreation Board, as established and as governed by Indiana Code 36-10-3 (“Park Board”), operates and maintains the Monon Greenway pursuant to that certain Management Agreement originally entered into by and between the City and the Parks Board on July 16, 2003, as subsequently amended; and

**WHEREAS**, the Monon Greenway runs along a former rail corridor extending from 96<sup>th</sup> Street to 146<sup>th</sup> Street in Hamilton County, Indiana; and

**WHEREAS**, the Monon Greenway constitutes a “highway” and a “street” as those terms are defined in Indiana Code 9-13-2-73; and

**WHEREAS**, the Monon Greenway is utilized by bicycles and other non-motorized “vehicles,” as that term is defined in Indiana Code 9-13-2-196, by certain authorized “motor vehicles,” as that term is defined in Indiana Code 9-13-2-105, and by pedestrians; and

**WHEREAS**, the Monon Greenway crosses several highways and streets on its route, each such intersection creating a heightened risk of danger to persons traveling on the Monon Greenway and those persons traveling on intersecting thoroughfares; and

**WHEREAS**, it is in the best interests of public safety and welfare to regulate traffic at Monon Greenway intersections by establishing stop intersections on the Monon Greenway at these intersections, pursuant to Indiana Code 9-21-1-3 and City Code Section 8-30; and

**WHEREAS**, pursuant to Indiana Code 9-21-1-3, the City may regulate the speed of vehicles upon its highways and streets, as well as require all vehicles to stop before entering or crossing designated “through highways” located within its jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 9-21-5-6(e), the City, upon the request of the Park Board, may establish a speed limit for all vehicles traveling on the Monon Greenway; and

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**WHEREAS**, the Park Board has requested that the City establish a speed limit for all vehicles traveling on the Monon Greenway; and

**WHEREAS**, pursuant to Indiana Code 9-21-11-11 and 9-21-17-13, all persons using the Monon Greenway must obey the traffic control devices located thereon; and

**WHEREAS**, it is in the best interest of public safety and welfare to now declare the highways which cross the Monon Greenway as “through highways” and to require all vehicles and pedestrians on the Monon Greenway to stop before entering or crossing such “through highways” and to establish a speed limit for all vehicles traveling on the Monon Greenway.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein and made a part hereof.

Section 2. The following thoroughfares located within the City’s jurisdiction are designated “through highways,” for purposes of Indiana Code 9-21-1-3, at and about their intersection with the Monon Greenway:

- |   |                                  |
|---|----------------------------------|
| a. West Smokey Row Road (West 136 <sup>th</sup> Street) | g. West Carmel Drive             |
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| c. 1 <sup>st</sup> Street NW                            | i. Central Park Drive            |
| d. 1 <sup>st</sup> Street SW                            | j. East 111 <sup>th</sup> Street |
| e. 2 <sup>nd</sup> Street SW                            | k. East 96 <sup>th</sup> Street  |
| f. Gradle Drive   |                                  |

Section 3. Chapter 8, Article 9, Section 8-120 of the Carmel City Code, should be and is hereby amended to include the following locations:

<u>“Street Name</u>	<u>Direction of Traffic</u>	<u>Sign</u>	<u>Intersecting Street</u>
Monon Greenway	Northbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
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Monon Greenway	Southbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Northbound	Stop	2 <sup>nd</sup> Street SW
Monon Greenway	Southbound	Stop	2 <sup>nd</sup> Street SW

1	Monon Greenway	Northbound	Stop	East 116 <sup>th</sup> Street
2	Monon Greenway	Southbound	Stop	East 116 <sup>th</sup> Street
3	Monon Greenway	Northbound	Stop	Central Park Drive
4	Monon Greenway	Southbound	Stop	Central Park Drive
5	Monon Greenway	Northbound	Stop	East 111 <sup>th</sup> Street
6	Monon Greenway	Southbound	Stop	East 111 <sup>th</sup> Street
7	Monon Greenway	Northbound	Stop	Gradle Drive
8	Monon Greenway	Southbound	Stop	Gradle Drive
9	Monon Greenway	Northbound	Stop	West Carmel Drive
10	Monon Greenway	Southbound	Stop	West Carmel Drive
11	Monon Greenway	Northbound	Stop	East 96 <sup>th</sup> Street
12	Monon Greenway	Southbound	Stop	East 96 <sup>th</sup> Street"

Section 4. Chapter 8, Article 3, Section 8-25 of the Carmel City Code should be and the same is hereby added to the Carmel City Code and shall read as follows:

"Section 8-25. Speed Limit Designations.

- a. No person may operate any "vehicle," as that term is defined in Indiana Code 9-13-2-196, as amended, in excess of twenty miles per hour (20 mph) along the length of the Monon Greenway, excepting:
  - (1) The Monon Greenway from its intersection with 111<sup>th</sup> Street to its intersection with 136<sup>th</sup> Street, where the speed limit shall be fifteen miles per hour (15 mph).
  - (2) {Reserved}
- b. Any person who operates a vehicle in violation of this Section shall, upon conviction thereof, be fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each such violation."

Section 5. The Carmel Street Department, in cooperation with the Carmel/Clay Parks Department, is directed to promptly prepare and post appropriate signage and/or markings at Monon Greenway intersections and along the Monon Greenway so as to effectuate this Ordinance.

Section 6. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1797-06  
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